

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

SUHAIL NAJIM)	
ABDULLAH AL SHIMARI <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 1:08-cv-827 (LMB/JFA)
v.)	
)	
CACI PREMIER TECHNOLOGY, INC.)	
)	
Defendant.)	
)	
)	
CACI PREMIER TECHNOLOGY, INC.,)	
)	
Third-Party Plaintiff,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, and)	
JOHN DOES 1-60,)	
)	
Third-Party Defendants.)	
)	

**MEMORANDUM IN SUPPORT OF CONSENT MOTION TO FILE
UNDER SEAL PLAINTIFFS' OPPOSITION TO DEFENDANT CACI PREMIER
TECHNOLOGY, INC.'S MOTION TO EXCLUDE TAGUBA AND JONES/FAY
REPORTS**

Plaintiffs respectfully request that the Court enter an order sealing Plaintiffs' Opposition to Defendant CACI Premier Technology, Inc.'s Motion to Exclude Taguba and Jones/Fay Reports.

Certain portions of Plaintiffs' response refer to or characterize the content of documents, information, or testimony designated as subject to the Protective Order entered in this action. (Dkt. 211.) In particular, the response refers to or characterizes (1) deposition testimony of interrogators who worked at Abu Ghraib, (2) deposition testimony of MG Antonio Taguba and

(3) other documents produced in discovery by the government marked subject to the Protective Order. By the terms of the Protective Order, these materials must be filed under seal. (*See* Dkt. 211 ¶ 9; *see also* Dkt. 960.) Under *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000), before the Court orders the sealing of documents, it must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” These considerations are met here. The public has been given notice of the motion to seal by the public filing of the consent motion, supporting memorandum, and proposed order. Less drastic alternatives to sealing are unavailable, as the documents and information to be filed under seal have been designated as subject to the Protective Order by the United States, and as such may only be filed under seal. (*See* Dkt. 211 ¶ 9.) Plaintiffs have filed a public version of their opposition to CACI’s motion *in limine* with information subject to the Protective Order redacted.

For the reasons set forth above, Plaintiffs respectfully request that the Court grant their consent motion to file documents under seal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2018, I electronically filed the Memorandum in Support of Consent Motion to File Under Seal Plaintiffs' Opposition to Defendant CACI Premier Technology, Inc.'s Motion to Exclude Taguba and Jones/Fay Reports through the CM/ECF system, which sends notification to counsel for Defendants and the United States.

/s/ John Kenneth Zwerling
John Kenneth Zwerling (VA Bar #08201)